

## Weinberger Case Lawyers Trade Pretrial Charges

*Former Aide's Affidavit Focus of Dispute*

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In the Iran-contra case against former defense secretary Caspar W. Weinberger, his lawyers and prosecutors accused each other last night of unethical and unprincipled conduct in connection with pretrial pleadings.

The charges stemmed from a motion by Weinberger's lawyers contending that the prosecution made misrepresentations to a grand jury about statements by one of Weinberger's former secretaries at the Pentagon.

To bolster their assertion, defense lawyers submitted an affidavit made by the secretary's husband and accusing an FBI agent attached to the office of independent counsel Lawrence E. Walsh of making a skewed interview report, which the agent later blamed on "politics."

Walsh's office fired back last evening with a motion assailing the allegations as "scurrilous." The prosecution said that both FBI agents who interviewed the secretary denied the husband's allegations "in their entirety."

The dispute is expected to come up today at what was already shaping up as a contentious pretrial hearing before U.S. District Judge Thomas F. Hogan. Weinberger's lawyers also are demanding that the prosecution turn over all records of a mock trial of Weinberger that it conducted last weekend.

In their motion concerning the FBI report, defense lawyers Robert S. Bennett and Carl S. Rauh argued they were entitled to bring it up as part of an effort to impeach four members of Walsh's office who are expected to be called as prosecution witnesses. Weinberger is scheduled

to go on trial Jan. 5 on four charges of perjury and lying about the Iran-contra affair and about notes he kept as it unfolded.

According to the disputed affidavit, Edwin E. Smith said his wife, Thelma, a former Weinberger secretary, told the FBI agents in an interview last March that Weinberger kept notes of his meetings and phone calls, but this was left out of the FBI report of the interview. When Thelma Smith appeared before a grand jury last May, her husband said, one of the prosecutors "seemed to accuse her of lying" for

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failing to inform the FBI about the notes.

Edwin Smith said in the affidavit that the FBI agent, when asked about the omission, "replied with words to the effect that sometimes 'politics' enters into such proceedings."

The prosecution accused defense counsel of being bent on "ad hominem attacks on this office, without regard to the truth." Bennett said he stood by his representations and said "it is Walsh and his staff that have violated legal ethics and common decency."